

Minutes of the Work Session meeting of the Syracuse City Council held on January 12, 2016, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Andrea Anderson  
Corinne N. Bolduc  
Mike Gailey  
Karianne Lisonbee  
Dave Maughan

Mayor Terry Palmer  
City Manager Brody Bovero  
City Recorder Cassie Z. Brown

City Employees Present:

Finance Director Steve Marshall  
City Attorney Paul Roberts  
Community and Economic Development Director Brigham Mellor  
Public Works Director Robert Whiteley  
Fire Chief Eric Froerer  
Parks and Recreation Director Kresta Robinson  
Police Lieutenant Heath Rogers

The purpose of the Work Session was to review the agenda for the business meeting to begin at 7:00 p.m.; review the following items forwarded by the Planning Commission: Proposed General Plan Amendment for Parcel #12-046-0172; Proposed Ordinance 16-01 rezoning property located at approximately 4500 W. 1400 S. from A-1 Agriculture to R-1 Residential; Proposed Ordinance 16-02 rezoning property located at approximately 1000 W. 3700 S. from A-1 Agriculture/Industrial to Industrial/General Commercial; Final Subdivision Approval – Piper Glen, located at approximately 1000 W. 3231 S.; Final Subdivision Approval – The Bluff at Lakeview Farms Phase 2, located at approximately 3000 W. 700 S.; have a discussion regarding Planning fees; discuss potential Code Enforcement regulation amendments; discuss Transportation Impact Fee Facilities Plan and Impact Fee Analysis; review agenda item 15, proposed resolution pertaining to City mission statement, vision statements, and budgetary goals; review agenda items 16-18, proposed resolutions formalizing Council appointments and assignments; and discuss Council business.

6:04:05 PM

**Agenda review**

Mayor Palmer briefly reviewed the agenda for the business meeting to begin at 7:30 p.m.

6:04:25 PM

**Review items forwarded by the Planning Commission:  
Proposed General Plan Amendment for Parcel #12-046-0172.**

A staff memo from the Community and Economic Development (CED) Department explained the Applicant (Focus Realty) met with the City Staff and Councilwoman Lisonbee on December 14<sup>th</sup>, 2015 and asked that the general plan map be opened permitting that parcel #120460127 (36 acres which is presently in unincorporated Davis County) be General Planned R-2 instead of R-1.

10.20.060 General plan amendments.

*(E) Applications for general plan text or general plan map amendments outside of the open amendment period shall be considered as provided in this subsection:*

*(3) The Council may, after proper notice, authorize the consideration of the applicant's amendment outside of the open amendment period only if any of the following apply:*

*(c) The Council finds that the proposed development has the potential to confer a substantial benefit on the City.*

The memo included a note indicating the Council is not being asked to amend the general plan at this time. The request is only to authorize the consideration of the applicant's amendment outside of the open amendment period. If the City Council approves consideration of the approved amendment, the applicant will be referred to the Planning Commission, who

will provide a General Plan recommendation. If the City Council denies consideration, the applicant will be required to wait until January 1, 2017 for the General Plan to be opened, or they have to make do with the R-1 for when they are annexed into the City.

[6:04:43 PM](#)

CED Director Mellor reviewed the staff memo.

[6:07:04 PM](#)

Councilmember Lisonbee noted the applicant has agreed to certain contingencies if their application is to be accepted. She stated that she would prefer that the record show that the special exception, if granted, is given due to the fact that this action is being taken within one month of closing the General Plan rather than indicating that the action is based upon the fact that the project would provide a substantial benefit to the City. She stated she does not want to set precedence with this application.

[6:09:29 PM](#)

Councilmember Gailey disclosed that he is related to the Criddle family by marriage.

[6:09:36 PM](#)

Councilmember Maughan asked if an unincorporated property is one that is not included in the City's boundaries, to which Mr. Mellor answered yes. Councilmember Maughan asked how the City would have any control over a property that has not yet been annexed into the City and he asked if it would be more appropriate to wait to consider this action until the property has been annexed. City Manager Bovero stated the property is included in the City's annexation policy plan and the City has the authority to include planning information for the property in the General Plan. The action before the Council tonight could be carried out before or after the annexation, but a recently adopted City ordinance indicates that the zoning of a property must match the General Plan land use designation before development can occur and changing the General Plan at this time would allow the property owner to seek that zoning upon annexation. He stated that this action does not bind the City to annex the property. Mr. Mellor added that as a developer it does not make much sense to proceed with the costly annexation process until they are aware what the zoning of the property will be and the best way to do that is to determine the land use designation in the General Plan. City Recorder Brown noted that it is most common to determine the zoning of a property upon annexation and the zoning is based upon the General Plan land use designation. She stated that she understands that this is a unique situation and the Council can determine whether it is appropriate to consider amending the General Plan land use designation prior to annexation.

[6:12:59 PM](#)

Councilmember Gailey stated he would like to include some sort of provision in the City's ordinance to provide a specified amount of time after which the General Plan is closed that certain applications may still be considered. Councilmembers Gailey and Lisonbee agreed. The Council engaged in a brief discussion regarding the appropriate amount of time during which additional applications could be considered based upon special circumstances, ultimately concluding that they were comfortable providing a 90-day period for which special circumstances.

[6:18:53 PM](#)

**Review items forwarded by the Planning Commission:  
Proposed Ordinance 16-01 rezoning property located at  
approximately 4500 W. 1400 S. from A-1 Agriculture to  
R-1 Residential.**

A staff memo from the Community and Economic Development (CED) Department provided the following information about the application:

- Location: 4500 W. 1400 S.
- Current zoning: A-1 Agriculture
- Requested zoning: R-1 Residential
- General plan: R-1 Residential
- Total area: 27.939 acres

The applicant would like to rezone from A-1 Agriculture to R-1 Residential to accommodate single family development with 2.3 lots per acre density. This type of development would be similar to the surrounding single family developments which are also zoned R-1 Residential. This property does have several easements recorded on it that will need to be reviewed prior to future development. The general plan was recently amended to R-1 Residential by the City Council on December 8, 2015.

The Planning Commission moved to recommend approval on January 5, 2016, to rezone the property located at 4500 W 1400 S from A-1 Agriculture to R-1 Residential, subject to all applicable requirements of the City's municipal codes, with a unanimous vote.

[6:19:04 PM](#)

CED Director Mellor reviewed the staff memo.

[6:19:46 PM](#)

Councilmember Lisonbee stated that she was contacted by citizens living near the subject property who indicated they would like for the open space to be preserved, but it is her opinion that while open space is lovely, the City does not have the right to prohibit a property owner from developing their land especially considering the requested project is in line with the General Plan for the property. Mayor Palmer stated he was also contacted and he informed the resident that the property will be low density and the homes built there will be very nice. The Council engaged in a brief discussion regarding additional potential development options near the subject property.

[6:22:35 PM](#)

**Review items forwarded by the Planning Commission:  
Proposed Ordinance 16-02 rezoning property located at  
approximately 1000 W. 3700 S. from A-1  
Agriculture/Industrial to Industrial/General Commercial.**

A staff memo from the Community and Economic Development (CED) Department provided the following information about the application:

Location: 1000 W. 3700 S.  
Current zoning: A-1/Industrial  
Requested zoning: Industrial/General Commercial  
General plan: General Commercial/Industrial  
Total area: 19.47 acres

The applicant would like to rezone the current zoning from A-1 Agriculture/Industrial to Industrial/ General Commercial which is in line with the General Plan Map. This would allow for future development of the property. The applicant stated this plan has been in process for over 10 years. The Planning Commission moved to recommend approval on January 5, 2016, to rezone the property located at 1000 W S 3700 S from A-1 Agriculture and Industrial to General Commercial and Industrial, subject to all applicable requirements of the City's municipal codes, with a unanimous vote.

[6:22:45 PM](#)

CED Director Mellor reviewed the staff memo.

[6:24:56 PM](#)

Mayor Palmer asked if the property owner understands that his property taxes will increase substantially as a result of the requested rezone. TJ Jensen stated that the property is considered greenbelt and his taxes will not increase.

[6:25:47 PM](#)

**Review items forwarded by the Planning Commission:  
Final Subdivision Approval – Piper Glen, located at  
approximately 1000 W. 3231 S.**

A staff memo from the Community and Economic Development (CED) Department provided the following information about the application:

Zone: R-2 Residential  
Applicant: Compass Group LLC  
Acreage: 3.503  
Lots: 9

**Public Meeting Outline**

Rezone Approval	
Planning Commission	February 18, 2014
City Council	March 11, 2014

Concept Plan Staff Meeting	March 18, 2015
Preliminary Plan Approval Planning Commission	April 1, 2014
Final Plan Approval Planning Commission	May 6, 2014
City Council	May 13, 2014
Final Plan Extension	April 21, 2015

The Piper Glen Subdivision was granted an extension on April 21, 2015 giving the developer until November 13, 2015. At such time, subsequent action by the developer to proceed with off-site construction did not occur within the 18-month extended period following initial approval. The plat and construction drawings must be resubmitted and become subject to re-approval under the latest City ordinances and specifications. Currently there are no changes to the application as it still meets the current specifications of city code. Due to the fact that there were no changes to the plans the developer is requesting a waiver for the final application fees. The Planning Commission moved to recommend approval on January 5, 2016, for the final subdivision approval of Piper Glen, located at 1000 W 3231 S, subject to all applicable requirements of the City's municipal codes, with a unanimous vote.

[6:25:54 PM](#)

CED Director Mellor reviewed the staff memo.

[6:26:56 PM](#)

Councilmember Lisonbee stated she is comfortable waiving fees for the project, but she would like to ensure that a fee is charged to cover staff time spent on the project. Councilmember Maughan inquired as to what type of staff work will be required. Mr. Mellor provided information about staff work done on the application, after which the Council and staff concluded to retain a minimal amount – to be determined in the business meeting – to cover reduced staff oversight of the application.

[6:31:36 PM](#)

**Review items forwarded by the Planning Commission:  
Final Subdivision Approval – The Bluff at Lakeview  
Farms Phase 2, located at approximately 3000 W. 700 S.**

A staff memo from the Community and Economic Development (CED) Department provided the following information about the application:

Zone: R-2 & R-3 Residential	
Applicant: Lakeview Farm, LLC	
Phase Acreage: 10.442	
Phase 1 Requested Lots: 30	
Total Acreage: 47.2	
Net Developable Acres:	R-2 with 31.10 net developable area Density Allowed 31.10 @ 3.79 lots/acre=117 lots Requested 92 lots R-3 with 15.66 net developable area Density Allowed 15.66 @ 5.44 lots/acre=85 lots Requested 49 lots

**Public Meeting Outline**

General Plan Amendment Approval	
Planning Commission	May 6, 2014
City Council	May 13, 2014
Rezone Approval	
Planning Commission	June 3, 2014
City Council	June 10, 2014
Concept Plan Staff Meeting	January 14, 2015
Preliminary Plan Approval	
Planning Commission	February 17, 2015
City Council	March 10, 2015

The Final Plan for the Bluff at Lakeview Farms includes two zones, R-2 and R-3. The R-3 zone was approved by the

Planning Commission and City Council as a buffer to the anticipated West Davis Corridor that may run adjacent to the westerly boundary. The subdivision proposes to develop in 5 phases. The developer has worked with the city engineer to coordinate the road improvements that will be made along both 3000 W and 700 S. Please see staff reviews for further information. The Planning Commission moved to recommend approval on January 5, 2016, for the final subdivision approval for phase 2 and 3 of The Bluff at Lake Farms, located at 3000 W S 700 S, subject to all applicable requirements of the City's municipal codes and that Parcel A on Phase 3 be relocated to the west between parcels 315 and 316, with a unanimous vote.

[6:31:49 PM](#)

CED Director Mellor reviewed the staff memo.

[6:32:36 PM](#)

Councilmember Lisonbee referenced the plat map for the subject property and identified two lots to the north and east that are not included in phase two or three; she asked if those lots are already built upon or if they will be included in a future phase four. The applicant, Mike Bastian, identified the area encompassed in phases two and three and noted the property referenced by Councilmember Lisonbee is included in phase one of the project.

[6:34:07 PM](#)

**Review items forwarded by the Planning Commission:  
Discussion regarding Planning fees.**

A staff memo from the Community and Economic Development (CED) Department discussed two proposed fee adjustments:

*Item 1: There exist instances where the staff is faced with a situation where it is appropriate to waive the admin fee associated with an abatement. Rather than bring each and every instance back to the council we would like the opportunity to waive that particular fees at our discretion.*

Item 2 There are new fees that need to be added to the fee schedule because of recent ordinance changes.

Minor subdivision application \$575

Per lot \$75

Revision fee \$250

Per lot \$50

General Plan Amendment \$400

The memo concluded staff recommends the Council give staff the option of waiving abatement administration fees when the need arises, without being required to come before the Council. Staff also requested approval of the new fees suggested associated with recent ordinance amendments, but it will be necessary to include these fees in a future fee scheduled amendment following a public hearing.

[6:34:15 PM](#)

CED Director Mellor reviewed the staff memo.

[6:37:10 PM](#)

Councilmember Maughan inquired as to how often it becomes necessary to consider a waiver of abatement administration fees. Mr. Mellor stated this is the first time a waiver has been requested and he provided additional details regarding the reasoning behind staff's recommendation to waive the fee. Councilmember Maughan stated that if it is unlikely that this issue will occur on a frequent basis, he would prefer that the law not be changed and that any future requests come to the Council. Mr. Mellor stated he is comfortable with that process. He asked if the Council is comfortable with the fee waiver in this instance, to which the Council answered yes.

[6:40:40 PM](#)

**Discussion regarding potential Code Enforcement  
regulation amendments.**

A staff memo from the Community and Economic Development (CED) Department explained that at the Council's request the city staff has identified the sources of most code violations:

- a. Snow Removal
- b. Inoperable vehicles
- c. Hard Surfaces and vehicles

- d. Junk/outdoors storage
- e. Weed abatement
- f. Trailers parked in street

The memo asked how the Council would like to proceed in amending or enforcing these violations. The memo summarized the proposed amendment to take place during the January 12, 2016 meeting:

4.05.060 Street and sidewalk cleanliness.

- Timeline for snow removal after storm ends.
- If it not removed by property owner, how long do we wait to take care of it through abatement?

(A) It shall be the duty of the owner or occupant of private property fronting upon a public sidewalk to remove all weeds and noxious vegetation from such property and in front thereof to the curb line of the street and to keep the sidewalks in front of such property free from dirt, litter, snow, ice or obstructions. In the case of snow and ice removal:

- i. Snow and ice must be removed from the sidewalk within \_\_\_ hours from the end of each snow storm;
- ii. The city shall provide verbal or written notice to the property owner or a responsible person at the address. Notice may also be provided by posting on the front door or a fence if attempts at providing verbal or written notice are unsuccessful; and
- iii. Notwithstanding any other provision in this code related to notice and abatement procedures, within \_\_\_\_\_ hours after that notice is provided or posted, the City shall be authorized to abate the violation, and assess the actual costs of snow removal to the property owner, as well as an administrative fee listed in the consolidated fee schedule. The City shall follow all other procedures in the code related to collecting the costs of abatement.

The memo summarized further amendments and actions requested by staff:

Step 1: Form a subcommittee made up of two Council members, the Mayor, and CED staff that will evaluate the code and make recommendations for changes.

Step 2: The summary of these changes is brought before the Council in a public meeting, and the committee receives recommendation from the full Council on the recommendations.

Step 3: A developed draft of the ordinance amendments is brought to the Council. Comments are incorporated into the ordinance.

Step 4: Final draft is adopted.

[6:40:51 PM](#)

CED Director Mellor reviewed the staff memo.

[6:44:16 PM](#)

Councilmember Anderson stated she feels it is important to differentiate between daytime and nighttime hours in the event a storm ends in the middle of the night. She added that the proposed ordinance amendment also indicates that a responsible person at a given property is required to handle snow removal, but she felt it necessary to better define 'responsible person' by possibly adding an age to the ordinance.

[6:44:51 PM](#)

Councilmember Lisonbee added that she feels giving people permission not to shovel snow within 24 hours of a storm creates more liability for the City. She stated it may be better to be vague and indicate that snow should be removed in a reasonable amount of time. Councilmember Maughan added that the City's liability may be further increased if the City assumes the responsibility for removing snow if a property owner has failed to do so after 24 hours. He stated it may not always be possible for the City to handle that snow removal and he fears that may relieve the property owner of all liability. City Attorney Roberts noted that according to Utah Law, the property owner and the City have liability for sidewalks. He then addressed the concerns regarding including a time frame in the ordinance and stated the question the Council must ask is what the City's duty is and what standard of care does the Council want to impose. He stated that whether the time period is 24 hours or 48 hours, the clock will not start until the City receives notification of the problem. He stated the recommended ordinance language simply provides residents with a good guideline relative to removing snow from a sidewalk. The Council engaged in a high level discussion regarding the proposed ordinance amendment, after which Councilmember Lisonbee stated that she would like for the regulations to be imposed upon other government entities wherever possible.

[6:53:08 PM](#)

**Discussion regarding Transportation Impact Fee Facilities Plan and Impact Fee Analysis.**

A staff memo from the Finance Director explained the City is currently in the process of evaluating and updating our impact fee plans for Syracuse City. This update is to our transportation impact fee plan. Historically the City has charged a transportation impact fee. This update is a requirement of the impact fee law. Below is a table that compares our current impact fees with the proposed fees:

Fees	Industrial	SFD	MFD	Assist Living	Hotel	Church	General Office	Retail / Shopping
Current	\$668	\$1,131	\$705	-	-	\$2,428	\$2,428	\$2,328
Proposed	\$612	\$743	\$488	\$255	\$444	\$685	\$1,085	\$2,703

Staff has provided an additional comparison of 21 other cities that charge a transportation impact fees; Syracuse City is lower than the average for every category of impact fee. Impact fees can be charged to new development to help pay a proportionate share of the cost of planned facilities needed to serve the growth and development of the city. Impact fees are allowed per Utah Code 11-36A. Under that code, there are two separate plans required in order to charge a public safety impact fee. They are the Impact Fee Analysis and the Impact Fee Facilities Plan. An impact fee enactment ordinance is also required. The proposed ordinance will be brought to the City Council on February 9, 2016.

According to Utah Code 11-36a-301:

*(1) Before imposing an impact fee, each local political subdivision or private entity shall, except as provided in Subsection (3), prepare an **impact fee facilities plan** to determine the public facilities required to serve development resulting from new development activity.*

According to Utah Code 11-36a-303:

*(1) Subject to the notice requirements of Section 11-36a-504, each local political subdivision or private entity intending to impose an impact fee shall prepare a **written analysis** of each impact fee.*

11-36a-401. Impact fee enactment.

- (1) (a) A local political subdivision or private entity wishing to impose impact fees shall pass an **impact fee enactment** in accordance with Section 11-36a-402.*
- (b) An impact fee imposed by an impact fee enactment may not exceed the highest fee justified by the impact fee analysis.*
- (2) An impact fee enactment may not take effect until **90 days** after the day on which the impact fee enactment is approved.*

Staff is providing the draft Impact Fee Analysis (IFA) and Impact Fee Facilities Plan (IFFP) to review between now and February 9, 2016. Staff would like to set a public hearing for February 9, 2016 and have a detailed discussion on the proposed changes during that hearing. Staff will be providing an ordinance update at the meeting on February 9, 2016; if the ordinance is approved along with the IFA and IFFP there will be a 90 day protest period before the ordinances and fee schedule would take effect. This would mean the earliest effective date would be May 9, 2016.

The memo concluded staff recommends the City Council accept for review the IFA and IFFP and set the public hearing for February 9, 2016 for approval of the ordinance and updates to the transportation impact fees.

[6:53:24 PM](#)

Finance Director Marshall reviewed his staff memo.

[6:55:22 PM](#)

**Review agenda item 15, proposed resolution pertaining to City mission statement, vision statements, and budgetary goals.**

A staff memo from the City Manager referenced a draft resolution regarding the amendment of the City’s mission statement, establishment of 10-year vision statements, and FY2017 budgetary goals.

[6:55:33 PM](#)

Mr. Bovero reviewed the staff memo and the proposed resolution.

[6:56:50 PM](#)

City Council Work Session  
January 12, 2016

The Council engaged in a high level discussion regarding the goals included in the draft document, with a focus on item two, which calls for a formal first and second reading of all new or amended ordinances prior to adoption. The Council ultimately concluded to continue discussion of the proposed resolution during the business meeting. Mr. Bovero stated the resolution may require additional deliberation and he supports the Council's desire to do so.

**Review agenda items 16-18, proposed resolutions formalizing Council appointments and assignments.**

There was not sufficient time to discuss this item.

**Council business**

There was not sufficient time for Council business.

The meeting adjourned at 7:11 p.m.

\_\_\_\_\_  
Terry Palmer  
Mayor

\_\_\_\_\_  
Cassie Z. Brown, CMC  
City Recorder

Date approved: February 9, 2016